IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL NO. 1:06CV264

THEODORE R. ANDERSON,)
Plaintiff,) }
Vs.	ORDER OF DISMISSAL
CHRISTOPHER W. DERRICK; and WOMBLE, CARLYLE SANDRIDGE & RICE, PLLC,)))
Defendants.)))

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of

Designation of this Court, United States Magistrate Judge Dennis L.

Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On March 22, 2007, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and

conclusions of law in support of a recommendation regarding Defendants' motion to dismiss. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on April 9, 2007. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendants' motion be allowed.

IT IS, THEREFORE, ORDERED that the Defendants' motion to dismiss is **ALLOWED**, and this matter is hereby **DISMISSED** in its entirety.

Signed: April 12, 2007

Lacy H. Thornburg

United States District Judge